IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 15500 of 2005(T)

PETITIONER:

ANNIE ANTONY, AGED 54, W/O.ANTONY,
CHALISSERY HOUSE, MANAKODY VILLAGE AND DESOM,
THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.GINESH.P.

RESPONDENTS:

1. THE IRINJALAKUDA TOWN CO-OPERATIVE BANK, REP.BY ITS GENERAL MANAGER, IRINJALAKUDA PO, THRISSUR DISTRICT.

2. THE ASSISTANT REGISTRAR OF CO-OEPRATIVE SOCIETIES (GENERAL), MUKUNDAPURAM TALUK, IRINJALAKUDA.

3. THE SPECIAL SALE OFFICER, ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, IRNJALAKUDA TOWN CO-OPERATIVE BANK, IRINJALAKUDA P.O. THRISSUR DISTRICT.

BY ADV. SRI.N.P.SAMUEL
GOVERNMENT PLEADER SHRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, ALONG WITH W.P.C.NO.31462/06 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 15500/2005

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE AWARD BY R2. DTD.30.12.2002.

P2. COPY OF THE REVISION IN RP.NO.352/2003 OF THE TRIBUNAL, DTD.8.6.2003.

P3. COPY OF THE INTERIM ORDER PASSED IN Ext.P2 by TRIBUNAL, DTD.9.6.2003.

P4. COPY OF THE NOTICE DTD.13.5.2005 FROM R3.

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///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).Nos. 15500/2005 & 31462/2006

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Dated this the 26th day of February, 2007

J U D G M E N T

The petitioner in these two writ petitions is the same who is a defaulter in repayment of loan amounts due to the 1st respondent society. The society initiated proceedings for recovery of the amount which resulted in the sale of the mortgaged property by the third respondent. The sale has already been confirmed. The petitioner now submits that she is willing to pay the entire dues with the expenses incurred by the 1st respondent for effecting the sale. The counsel for the 1st respondent submits that if the petitioner is willing to pay the entire amounts with the expenses incurred by the bank, the bank has no objection in setting aside the sale and reconveying the property to the petitioner, if the amount is paid within a reasonable time. The counsel for the petitioner submits that the petitioner is willing to pay the entire amount as stated by the counsel

for the 1st respondent within two months.

2. In view of the above consensus, these writ petitions are disposed of with the following directions:

The 1st respondent shall intimate the petitioner the total amount due from the petitioner towards repayment of the loan amounts together with the expenses incurred by them in the sale proceedings, within two weeks. The petitioner shall pay the entire amounts so demanded, within two months from the date of receipt of the intimation. If the petitioner pays the amount within the above said time, the sale of the property effected by the third respondent would stand set aside and the 1st respondent would take appropriate steps to reconvey the property to the petitioner, if necessary. If the petitioner does not pay the amounts as directed above, the writ petitions would stand dismissed and the sale would stand confirmed.

Writ petitions are disposed of as above.

sdk+ S.SIRI JAGAN, JUDGE